

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS ) Case No. 3:10-md-2143 RS  
ANTITRUST LITIGATION )  
 )  
 )  
 ) **STIPULATION AND [PROPOSED]**  
 ) **ORDER REGARDING HLDS**  
 ) **DEFENDANT CUSTODIANS AND**  
 ) **SEARCH TERMS**  
 )  
 )  
 ) DATE ACTION FILED: Oct. 27, 2009  
 )  
This Document Relates to: )  
 )  
ALL ACTIONS )

1           WHEREAS, between June and November 2011, defendants Hitachi-LG Data Storage,  
2 Inc. and Hitachi-LG Data Storage Korea, Inc. (together the “HLDS Defendants” or “HLDS”)  
3 produced approximately 2 million pages of documents to Direct Purchaser Plaintiffs and Indirect  
4 Purchaser Plaintiffs (collectively, “Plaintiffs”, and, together with the HLDS Defendants, the  
5 “Parties”) from the files of Eugene Yang, Young Keun Park, Sik (Daniel) Hur, S.H. Kim, Luke  
6 Choi, James Park, Hyun Soo (Jason) Kim, and Hun Chul Son (the “DOJ Custodians”), pursuant  
7 to Magistrate Judge Spero’s April 7, 2011 Order compelling all defendants to produce to  
8 Plaintiffs documents that had been produced to the U.S. Department of Justice (Dkt. 379);  
9

10          WHEREAS, on September 4, 2012, the Parties submitted a Joint Letter to Magistrate  
11 Judge Spero setting forth the Parties’ prior agreement regarding the inclusion of twenty of  
12 Plaintiffs’ proposed custodians, including Linus Hori, Angela Jin, Jaiho Lee, and Duha Hwang,  
13 and detailing disputes regarding the possible inclusion of twelve additional proposed custodians  
(Dkt. 637);  
14

15          WHEREAS, on September 7, 2012, Magistrate Judge Spero issued an Order Granting in  
16 Part and Denying in Part Motion to Compel the HLDS Defendants to Search the Files of  
17 Additional Custodians, in which the Court ordered the HLDS Defendants to search the records of  
18 nine custodians, including Harry Seo and Kyung Tae Chang (Dkt. 641);  
19

20          WHEREAS, on September 18, 2012, the Parties entered into a Stipulation Regarding  
21 Search Term Protocol Between HLDS Defendants and Plaintiffs, which provided for application  
22 of to-be-agreed-upon search terms to documents from the HLDS Defendants’ “additional  
23 custodians” (the “Search Term Protocol”);  
24

25          WHEREAS, on October 26, 2012, counsel for the Indirect Purchaser Plaintiffs sent a  
26 letter to counsel for the HLDS Defendants regarding, inter alia, the possible production of  
27 additional documents from the DOJ Custodians;  
28

WHEREAS, on November 15, 2012, counsel for the Indirect Purchaser Plaintiffs sent a letter to counsel for the HLDS Defendants setting forth Plaintiffs' proposed prioritization of custodians;

WHEREAS, the parties had a significant disagreement regarding the interpretation of the Search Term Protocol, but between November 29, 2012 and December 20, 2012, the Parties met and conferred and ultimately reached agreement regarding the HLDS Defendants' running of additional search terms against the documents of the DOJ Custodians in exchange for Plaintiffs' releasing the HLDS Defendants from their obligation to produce documents from the files of certain custodians and making certain adjustments to Plaintiffs' proposed prioritization of custodians.

**IT IS HEREBY STIPULATED AND AGREED THAT:**

1. The HLDS Defendants shall apply the list of search terms resulting from the Search Term Protocol to the custodial documents of the DOJ Custodians, to the extent such documents have not yet been produced to Plaintiffs;
2. The HLDS Defendants are discharged from any obligation to produce documents from the files of Harry Seo, Kyung Tae Chang, Linus Hori, Angela Jin, and Jaiho Lee.
3. The HLDS Defendants are discharged from any obligation to produce documents from the files of Duha Hwang, provided that (i) the HLDS Defendants will produce responsive documents from their centralized files regarding Duha Hwang; and (ii) if the HLDS Defendants discover documents from the files of Duha Hwang that were not known to the HLDS Defendants as of December 20, 2012, the HLDS Defendants will notify Plaintiffs, and the Parties will engage in a reasonable discussion regarding whether Duha Hwang should be reinserted on the HLDS Defendants' custodian list and, if so, the timing for any production; and
4. The HLDS Defendants shall prioritize review and production for the remaining custodians in the following order:

	<b>Name</b>	<b>Employer</b>	<b>Employment Status</b>	<b>Geographic Location</b>	<b>Anticipated Date for Production of Documents<sup>1</sup></b>
1	Yang, Woo Jin (Eugene)	HLDS	Inactive	US (serving sentence, will return to Korea)	Feb. 15, 2013
2	Park, Young Keun	HLDS	Inactive	US (serving sentence, will return to Korea)	Feb. 15, 2013
3	Hur, Sik (Daniel)	HLDS	Inactive	U.S. (serving sentence; will return to Korea)	Feb. 15, 2013
4	Kim, Sang Hun	HLDS	Current (will become inactive in January 2013)	Korea	Feb. 15, 2013
5	Jeong, Bruce	HLDS	Current	Korea	Feb. 15, 2013
6	Hiraoka, Yasuki	HLDS	Current	Japan	Feb. 15, 2013
7	Kim, Hyun Soo (Jason/James)	HLDS	Current	Korea	Feb. 15, 2013
8	Son, Hun Chul	HLDS	Current	Korea	Feb. 15, 2013
9	Choi, Jin Sung (Luke)	HLDS	Current	Korea	Feb. 15, 2013
10	Park, Jung Hoon (James)	HLDS	Former	Korea	Feb 15, 2013
11	Gray, Nancy	HLDS	Current	U.S.	Mar. 1, 2013

<sup>1</sup> The order and/or prioritization and anticipated dates for substantial completion of documents for the custodians set out below are based upon the HLDS Defendants' good-faith belief, considering the Plaintiffs' requested priority of custodians and an analysis of a number of different currently-available metrics. Difficulties with processed data or other unanticipated problems yet to be discovered could significantly affect the timeframes supplied. The estimated completion dates may be altered through subsequent negotiation and stipulation between the Parties, subject to resolution by the court if agreement cannot be reached.

					<b>Anticipated Date for Production of Documents<sup>1</sup></b>
	<b>Name</b>	<b>Employer</b>	<b>Employment Status</b>	<b>Geographic Location</b>	
12	Lee, Jang Won (Jedy)	HLDS	Current	Taiwan	To be negotiated based, inter alia, on the volume of documents from this custodian
13	Lim, (Yim) Bong-Ho	HLDS	Former	Korea	To be negotiated based, inter alia, on the volume of documents from this custodian.
14	Oh, Joseph	HLDS	Current	Netherlands	To be negotiated based, inter alia, on the volume of documents from this custodian.
15	Jeong, Jay	HLDS	Former	Korea	To be negotiated based, inter alia, on the volume of documents from this custodian.
16	Jung, Seung Ki (Kevin)	HLDS	Current	Korea	
17	Kang, In Sung	HLDS	Current	Korea	
18	Kim, Sam (Young)	HLDS	Current	Korea	
19	Choi, In Cheol (Ian)	HLDS	Current	Japan	
20	Choi, Young Do	HLDS	Current	Korea	
21	Kim, Young Jin	HLDS	Former	Taiwan	

	Name	Employer	Employment Status	Geographic Location	Anticipated Date for Production of Documents <sup>1</sup>
22	Kyung, Bong Choon	HLDS	Current	Korea	
23	Lin, Maggie	HLDS	Current	Taiwan	

IT IS SO STIPULATED.

DATED: January 11, 2013

Respectfully submitted,

ROPE & GRAY LLP

By /s/ Michelle Visser  
 Michelle L Visser  
 ROPES & GRAY LLP  
 Three Embarcadero Center  
 San Francisco, CA 94111-4006  
 Telephone: (415) 315-6300  
 Facsimile: (415) 315-6350  
 Michelle.Visser@ropesgray.com

Mark S. Popofsky (*pro hac vice*)  
 ROPES & GRAY LLP  
 One Metro Center  
 700 12<sup>th</sup> Street NW, Suite 900  
 Washington, DC 20005-3948  
 Telephone: (202) 508-4600  
 Facsimile: (202) 508-4650  
 Mark.Popofsky@ropesgray.com

Jane E. Willis (*pro hac vice*)  
 ROPES & GRAY LLP  
 Prudential Tower  
 Boston, MA 02199-3600  
 Telephone: (617) 951-7000  
 Facsimile: (617) 951-7050  
 Jane.Willis@ropesgray.com

*Attorneys for Defendants*  
*Hitachi-LG Data Storage, Inc. and*  
*Hitachi-LG Data Storage Korea, Inc.*

1  
2 DATED: January 11, 2013

HAGENS BERMAN SOBOL SHAPIRO LLP

3 By /s/ Jeff D. Friedman  
4 Jeff D. Friedman  
5 Shana E. Scarlett (217895)  
6 715 Hearst Avenue, Suite 202  
7 Berkeley, CA 94710  
8 Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
jefff@hbsslaw.com  
shanas@hbsslaw.com

9 *Interim Lead Counsel for Indirect*  
10 *Purchaser Plaintiffs*

11 DATED: January 11, 2013

SAVERI & SAVERI, INC.

12 By /s/ Guido Saveri  
13 Guido Saveri  
14 R. Alexander Saveri (173102)  
15 Cadio Zirpoli (179108)  
16 706 Sansome Street  
17 San Francisco, CA 94111  
18 Telephone: (415) 217-6810  
Facsimile: (415) 217-6813  
guido@saveri.com  
rick@saveri.com  
cadio@saveri.com

19 *Interim Lead Counsel for Direct Purchaser Class*

20  
21 IT IS SO ORDERED.  
22

23 DATED: 1/14/13



1                   **CERTIFICATE OF SERVICE**

2                   I hereby certify that on January 11, 2013, I caused the foregoing **STIPULATION AND**  
3 **[PROPOSED] ORDER REGARDING HLDS DEFENDANT CUSTODIANS AND**  
4 **SEARCH TERMS** to be electronically filed with the Clerk of the Court using the CM/ECF  
5 system, which will automatically send email notification of such filing to all counsel of record.

6                   \_\_\_\_\_  
7                   /s/ Michelle Visser  
Jane E. Willis (*pro hac vice*)  
ROPES & GRAY LLP  
Prudential Tower  
Boston, MA 02199-3600  
Telephone: (617) 951-7000  
Facsimile: (617) 951-7050

10                  \_\_\_\_\_  
11                  Mark S. Popofsky (*pro hac vice*)  
12                  ROPES & GRAY LLP  
One Metro Center  
13                  700 12<sup>th</sup> Street NW, Suite 900  
Washington, DC 20005-3948  
Telephone: (202) 508-4600  
Facsimile: (202) 508-4650

15                  \_\_\_\_\_  
16                  Michelle L Visser  
17                  ROPES & GRAY LLP  
Three Embarcadero Center  
San Francisco, CA 94111-4006  
Telephone: (415) 315-6300  
Facsimile: (415) 315-6350